
SENATE BILL 5757

State of Washington 61st Legislature 2009 Regular Session

By Senators Marr, McDermott, Pridemore, Fairley, Oemig, and Kline

Read first time 01/30/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to requiring the appointment of nonvoting labor
2 members to public transportation governing boards; amending RCW
3 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to
4 chapter 35.21 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 35.58.270 and 1993 c 240 s 6 are each amended to read
7 as follows:

8 If a metropolitan municipal corporation shall be authorized to
9 perform the function of metropolitan transportation with a commission
10 form of management, a metropolitan transit commission shall be formed
11 prior to the effective date of the assumption of such function. Except
12 as provided in this section, the metropolitan transit commission shall
13 exercise all powers of the metropolitan municipal corporation with
14 respect to metropolitan transportation facilities, including but not
15 limited to the power to construct, acquire, maintain, operate, extend,
16 alter, repair, control and manage a local public transportation system
17 within and without the metropolitan area, to establish new passenger
18 transportation services and to alter, curtail, or abolish any services
19 as the commission may deem desirable and to fix tolls and fares.

1 The comprehensive plan for public transportation service and any
2 amendments thereof shall be adopted by the metropolitan council and the
3 metropolitan transit commission shall provide transportation facilities
4 and service consistent with such plan. The metropolitan transit
5 commission shall authorize expenditures for transportation purposes
6 within the budget adopted by the metropolitan council. Tolls and fares
7 may be fixed or altered by the commission only after approval thereof
8 by the metropolitan council. Bonds of the metropolitan municipal
9 corporation for public transportation purposes shall be issued by the
10 metropolitan council as provided in this chapter.

11 The metropolitan transit commission shall consist of seven voting
12 members. Six of such members shall be appointed by the metropolitan
13 council and the seventh member shall be the ((~~chairman~~)) chair of the
14 metropolitan council who shall be ex officio the ((~~chairman~~)) chair of
15 the metropolitan transit commission. Three of the six appointed
16 members of the commission shall be residents of the central city and
17 three shall be residents of the metropolitan area outside of the
18 central city. The three central city members of the first metropolitan
19 transit commission shall be selected from the existing transit
20 commission of the central city, if there be a transit commission in
21 such city. The terms of first appointees shall be for one, two, three,
22 four, five and six years, respectively. Thereafter, commissioners
23 shall serve for a term of four years. Compensation of transit
24 commissioners shall be determined by the metropolitan council.

25 There shall also be one nonvoting member of the metropolitan
26 transit commission. The nonvoting member shall be recommended by the
27 labor organization representing the majority of the public
28 transportation employees within the local public transportation system.
29 If there is no formal union representation of the employees, the
30 nonvoting member shall be recommended by a majority of the employees
31 within the local public transportation system. The nonvoting member
32 shall be appointed for a term of four years. The commission chair
33 shall exclude the nonvoting member from attending any portion of a
34 meeting of the commission or of any committee held for the purpose of:
35 Discussing negotiations with labor organizations; labor and management
36 relations, including current contract negotiations; chief executive
37 officer performance; or compensation.

1 The requirement to create a metropolitan transit commission shall
2 not apply to a county that has assumed the rights, powers, functions,
3 and obligations of the metropolitan municipal corporation under chapter
4 36.56 RCW.

5 **Sec. 2.** RCW 36.57.030 and 1974 ex.s. c 167 s 3 are each amended to
6 read as follows:

7 Every county which undertakes the transportation function pursuant
8 to RCW 36.57.020 shall create by resolution of the county legislative
9 body a county transportation authority which shall be composed as
10 follows:

11 (1) The elected officials of the county legislative body, not to
12 exceed three such elected officials;

13 (2) The mayor of the most populous city within the county;

14 (3) The mayor of a city with a population less than five thousand,
15 to be selected by the mayors of all such cities within the county;

16 (4) The mayor of a city with a population greater than five
17 thousand, excluding the most populous city, to be selected by the
18 mayors of all such cities within the county: PROVIDED, HOWEVER, That
19 if there is no city with a population greater than five thousand,
20 excluding the most populous city, then the sixth member who shall be an
21 elected official, shall be selected by the other two mayors selected
22 pursuant to subsections (2) and (3) of this section;

23 (5) An individual recommended by the labor organization
24 representing the majority of the public transportation employees within
25 the county transportation authority. The individual shall serve as a
26 nonvoting member of the county transportation authority. If there is
27 no formal union representation of the employees, the nonvoting member
28 shall be recommended by a majority of the employees within the county
29 transportation authority. The chair of the county transportation
30 authority shall exclude the nonvoting member from attending any portion
31 of a meeting of the authority or of any committee held for the purpose
32 of: Discussing negotiations with labor organizations; labor and
33 management relations, including current contract negotiations; chief
34 executive officer performance; or compensation.

35 The members of the authority shall be selected within sixty days
36 after the date of the resolution creating such authority.

1 Any member of the authority who is a mayor or an elected official
2 selected pursuant to subsection (4) (~~(above)~~) of this section and whose
3 office is not a full-time position shall receive one hundred dollars
4 for each day attending official meetings of the authority.

5 **Sec. 3.** RCW 36.57A.050 and 2007 c 469 s 14 are each amended to
6 read as follows:

7 Within sixty days of the establishment of the boundaries of the
8 public transportation benefit area the members of the county
9 legislative authority and the elected representative of each city
10 within the area shall provide for the selection of the governing body
11 of such area, the public transportation benefit area authority, which
12 shall consist of elected officials selected by and serving at the
13 pleasure of the governing bodies of component cities within the area
14 and the county legislative authority of each county within the area.
15 If at the time a public transportation benefit area authority assumes
16 the public transportation functions previously provided under the
17 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen
18 positions on the governing board of the transit system, those positions
19 may be retained as positions on the governing board of the public
20 transportation benefit area authority.

21 Within such sixty-day period, any city may by resolution of its
22 legislative body withdraw from participation in the public
23 transportation benefit area. The county legislative authority and each
24 city remaining in the public transportation benefit area may disapprove
25 and prevent the establishment of any governing body of a public
26 transportation benefit area if the composition thereof does not meet
27 its approval.

28 In no case shall the governing body of a single county public
29 transportation benefit area be greater than (~~(nine)~~) ten members and in
30 the case of a multicounty area, (~~(fifteen)~~) sixteen members. Those
31 cities within the transportation benefit area and excluded from direct
32 membership on the authority are hereby authorized to designate a member
33 of the authority who shall be entitled to represent the interests of
34 such city which is excluded from direct membership on the authority.
35 The legislative body of such city shall notify the authority as to the
36 determination of its authorized representative on the authority.

1 There shall also be one nonvoting member of the public
2 transportation benefit area authority. The nonvoting member shall be
3 recommended by the labor organization representing the majority of the
4 public transportation employees within the local public transportation
5 system. If there is no formal union representation of the employees,
6 the nonvoting member shall be recommended by a majority of the
7 employees within the local public transportation system. The chair of
8 the authority shall exclude the nonvoting member from attending any
9 portion of a meeting of the authority or of any committee held for the
10 purpose of: Discussing negotiations with labor organizations; labor
11 and management relations, including current contract negotiations;
12 chief executive officer performance; or compensation.

13 Each member of the authority is eligible to be reimbursed for
14 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to
15 receive compensation, as set by the authority, in an amount not to
16 exceed forty-four dollars for each day during which the member attends
17 official meetings of the authority or performs prescribed duties
18 approved by the chairman of the authority. Except that the authority
19 may, by resolution, increase the payment of per diem compensation to
20 each member from forty-four dollars up to ninety dollars per day or
21 portion of a day for actual attendance at board meetings or for
22 performance of other official services or duties on behalf of the
23 authority. In no event may a member be compensated in any year for
24 more than seventy-five days, except the chairman who may be paid
25 compensation for not more than one hundred days: PROVIDED, That
26 compensation shall not be paid to an elected official or employee of
27 federal, state, or local government who is receiving regular full-time
28 compensation from such government for attending meetings and performing
29 prescribed duties of the authority.

30 The dollar thresholds established in this section must be adjusted
31 for inflation by the office of financial management every five years,
32 beginning July 1, 2008, based upon changes in the consumer price index
33 during that time period. "Consumer price index" means, for any
34 calendar year, that year's annual average consumer price index, for
35 Washington state, for wage earners and clerical workers, all items,
36 compiled by the bureau of labor and statistics, United States
37 department of labor. If the bureau of labor and statistics develops
38 more than one consumer price index for areas within the state, the

1 index covering the greatest number of people, covering areas
2 exclusively within the boundaries of the state, and including all items
3 shall be used for the adjustments for inflation in this section. The
4 office of financial management must calculate the new dollar threshold
5 and transmit it to the office of the code reviser for publication in
6 the Washington State Register at least one month before the new dollar
7 threshold is to take effect.

8 A person holding office as commissioner for two or more special
9 purpose districts shall receive only that per diem compensation
10 authorized for one of his or her commissioner positions as compensation
11 for attending an official meeting or conducting official services or
12 duties while representing more than one of his or her districts.
13 However, such commissioner may receive additional per diem compensation
14 if approved by resolution of all boards of the affected commissions.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW
16 to read as follows:

17 Any county performing the public transportation function as
18 authorized by RCW 36.57.100 and 36.57.110 or any public transportation
19 system that is not governed: By a metropolitan municipal corporation
20 as authorized by RCW 35.58.270; by a county performing the public
21 transportation function as authorized by RCW 36.57.100 and 36.57.110;
22 by a county transportation authority under chapter 36.57 RCW; or by any
23 public transportation benefit area established under chapter 36.57A
24 RCW, must appoint a nonvoting member to its public transportation
25 governing body, if applicable.

26 The nonvoting member shall be recommended by the labor organization
27 representing the majority of the public transportation employees within
28 the local public transportation system. If there is no formal union
29 representation of the employees, the nonvoting member shall be
30 recommended by a majority of the employees within the local public
31 transportation system. The chair of the governing body shall exclude
32 the nonvoting member from attending any portion of a meeting of the
33 governing body or of any committee held for the purpose of: Discussing
34 negotiations with labor organizations; labor and management relations,
35 including current contract negotiations; chief executive officer

1 performance; or compensation.

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